

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application regarding the)	
regulatory reviews, revisions, determinations,)	
and/or approvals necessary for the)	Case No. U-16625
NILES UTILITY DEPARTMENT to fully)	
comply with Public Act 295 of 2008.)	
_____)	

At the February 28, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER

Public Act 295 of 2008, MCL 460.1001 *et seq.* (Act 295), requires all providers of electric service in this state to establish renewable energy programs by filing renewable energy plans (REPs) with the Commission. On July 1, 2009, the Commission determined that the Niles Utility Department (Niles) initial REP in Case No. U-15874 was in compliance with Act 295.

Section 25(4) of Act 295 provides every two years after the Commission determines the initial REP is in compliance with Act 295, the Commission shall review the plan. This review occurs after an opportunity for public comment. On January 27, 2015, the Commission issued an order directing Niles to file its application for biennial REP review by July 1, 2015, in this docket.

On July 1, 2015, Niles filed an application seeking review of its REP. The Commission Staff (Staff) reviewed the application and filed a letter in the docket indicating that the 2015 REP did

not amend the 2013 REP. The Staff also found that Niles still expects to meet the renewable energy standard through its wholesale power supplier, Indiana Michigan Power Company, and the expected incremental cost of compliance to its customers will not exceed the retail rate impacts described in Section 45(2) of Act 295. To calculate the renewable energy credit requirement, Niles will use the average of the previous three years of electricity sold to its retail customers. Further, Niles provided an opportunity for public comments; no comments were received. On the basis of this review, the Staff recommends the Commission find Niles in compliance with the requirements of Section 25 of Act 295.

THEREFORE, IT IS ORDERED that:

A. The renewable energy plan filed by Niles Utility Department is in compliance with the requirements of 2008 PA 295.

B. Niles Utility Department shall file an annual report with the Commission describing the status of compliance with the requirements of 2008 PA 295 by June 30, 2017, and annually thereafter until further order of the Commission.

C. Absent an earlier application filed by Niles Utility Department for authority to amend its plan, the Commission shall review the plan again during the next biennial review period.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscdockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of February 28, 2017.

Kavita Kale, Executive Secretary